

MINUTES
Independence Planning Commission
Independence Board of Zoning Appeals
Tuesday, March 6, 2018
Veterans Room Memorial Hall 5:30 p.m.

Call to Order

Planning Commissioners Present

Nick McCollam*, Andy McLenon*, Jim Hardy, Barb Emert, Philipp Umlauf, Mary Jo Meier and John Koschin.

Planning Commissioners Absent

Brian Beecham and Steve McBride

Staff Present

Kelly Passauer, Assistant City Manager

Jeff Chubb, City Attorney

Visitors

Randy Sorah and Tom Nelson

Minutes

a. Consider approving minutes of the February 6, 2018 meeting.

Andy McLenon made a motion to approve the minutes of the February 6, 2018 meeting, Jim Hardy seconded the motion. The motion carried 7-0.

Planning Commission

b. Orientation by City Attorney Jeff Chubb.

City Attorney Jeff Chubb conducted an orientation.

c. Review of the Comprehensive Plan.

City staff provided a staff report that stated by State statute the Planning Commission is required to review the Comprehensive Plan annually. In previous years the Planning Commission has recommended to the City Commission that the Comprehensive Plan be updated. Due to budget constraints funding has not been allocated for this purpose. The estimated cost to update the plan would be approximately \$100,000.

John Koschin reviewed his personal history regarding the Comprehensive Plan.

John Koschin made a motion to approve the Comprehensive Plan and recommend to the City Commission that they consider including funds in the 2019 budget to update the plan. The motion was seconded by Barb Emert. The motion carried 7-0.

Board of Zoning Appeals (Does not include outside City appointments)

- d. Consider a variance request for an electronic church sign in a residential zoned district at 1825 N. 10th Street.

Randy Sorah represented the applicant, he stated that he talked to Commissioner Caflisch about the sign and he told him he needed to go through zoning. The sign would be a 4x4 panel with half of it, a 2 X 4 portion, electronic. The sign would be 16 square feet per side.

Staff reviewed the following staff report and recommendation:

Overview of Variance Requested

The Board of Zoning Appeals has received an application from Truth Tabernacle UPC Incorporated to grant a variance from the sign regulations provided for in the zoning ordinance. Their request is to exceed the percentage of allowable square footage per face for the electronic portion at 1825 N. Penn.

Section 802.2 subsection “b. (1)” provides for the following

802.2. Residential districts including R-1, R-2, R-3, R-4 and R-5:

b. Church signs:

- (1) One illuminated or nonilluminated detached sign per church, no more than 16 square feet in area, on church premises, indicating activities and services therein provided. Source of illumination shall be so shielded as to not be visible from residential areas.

The City Commission recently approved an ordinance modifying Section 803.6 of the zoning codes as follows:

803.6. Attention-Attracting Devices and Electronic Signs:

- a. Any attention-attracting device, as defined in Section 403.0, is hereby prohibited from use except as hereinafter provided.
- b. Attention-attracting devices and electronic signs, as defined in Section 403. 0, shall be permitted in any zoning district for noncommercial purposes if:
 - 1. Such devices or signs designate time, date, temperature, community service and/ or other similar information regarding a non-profit or charitable organization; and
 - 2. Receive approval of the City Commission; and
 - 3. Comply with and follow all requirements and standards designated for their use as set forth in Section 802.5.c.

Section 802.5 subsection “c” provides for the following:

802.5. District C-2, general business district and District C-4, highway commercial district:

- c. *Electronic sign:* Electronic signs consisting of LED/Reader board (electronic changeable copy) or electronic display center (video display sign) as defined in this ordinance are permitted and must meet the following requirements:
 - 1. ***Detached sign:*** The sign must be a detached sign and the electronic portion may not exceed more than 20 percent of the allowable square footage per face of said detached sign.
 - 2. *Duration:* Any portion of the message or image must have a minimum duration of eight seconds.
 - 3. *Off-premises advertising:* All messages displayed shall be directly related to the business for which the sign was constructed.
 - 4. *Setback:* The leading edge of the sign must be a minimum of 100 feet from an abutting residential district boundary.
 - 5. LED/Reader board (electronic changeable copy) signs shall have the following additional restrictions:
 - i. *Limited text:* The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction.
 - 6. Electronic display center (video display) signs shall have the following additional restrictions:
 - i. *Brightness:* The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum of 500 nits (candelas per square meter) between dusk and dawn.
 - ii. *Dimmer control:* The sign must have an automatic dimmer control to produce a distinct illumination change as required.
 - iii. *Audio or pyrotechnics:* Audio speakers or any form of pyrotechnics are prohibited.

Review of Request

The applicant is requesting a variance to exceed the percentage of allowable square footage per face for the electronic portion from 20% maximum to 50%. They are not requesting to exceed the maximum size of 16 square feet for a church sign.

Board of Zoning Appeals Considerations

In considering the providing of a variance we wish to provide the following information:

- a. *That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action*

or actions of the property owner or the applicant; The church sets on a parcel that is approximately 5 acres in size which is unique to a residential district.

- b. *That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;* Because the parcel the church sits on is so large, the sign would not be close to any houses and would meet the 100' setback from adjoining residential property as required in 802.5.c.4.
- c. *That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;* The 20% maximum would allow the LED portion of a 16 square foot sign to be no more than 3.2 square feet, which would be difficult to read.
- d. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;* It does not appear that the variance will adversely affect public health, safety or general welfare.
- e. *That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.* The variance requests are not opposed to the zoning regulations.

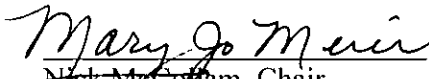
Staff Recommendation

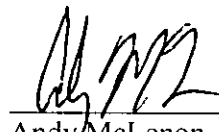
Staff recommendation is to approve the request and grant a variance to exceed the maximum allowable percentage of the electronic portion of a church sign in a residential district from 20% to 50%.

Philipp Umlauf recommended approval per staff's recommendation, Barb Emert seconded. The motion carried 5-0.

Adjournment

The meeting was adjourned with a motion by Barb Emert, seconded by Mary Jo Meier. The motion carried 7-0.


~~Nick McCann, Chair~~
MARY JO MEIER, VICE-CHAIR


Andy McLendon, Secretary